

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 24-40611

NICOLE A. MASSEY,

Chapter 7

Debtor.

Judge Thomas J. Tucker

**ORDER DETERMINING THE AMOUNT OF ATTORNEY FEES THE DEBTOR MUST
PAY BASED ON THE COURT’S MAY 15, 2024 CONTEMPT ORDER, AND JUDGMENT
AGAINST THE DEBTOR**

This case came before the Court on May 15, 2024, for a hearing on the Chapter 7 Trustee’s motion entitled “Chapter 7 Trustee’s Motion 1) to Hold Debtor In Civil Contempt, and 2) to Assess Costs” (Docket # 44, the “Motion”). Counsel for the Chapter 7 Trustee, counsel for the Debtor, and the Debtor each appeared at the hearing. Confirming action taken by the Court during the hearing, and for the reasons stated on the record by the Court during the hearing, the Court entered an Order on May 15, 2024 (Docket # 65, the “May 15 Order”), finding the Debtor in civil contempt, for failure to fully comply, on a timely basis, with the Court’s Order entered on April 16, 2024 (Docket # 39, the “April 16 Order”). The May 15 Order stated, among other things, that “[t]he Debtor must pay the reasonable attorney fees incurred by the Chapter 7 Trustee in filing and prosecuting the Motion. The amount of such reasonable attorney fees will be determined in a future order, and will be determined by the following procedure:” (May 15 Order, ¶ 5).

On May 29, 2024, the Trustee timely filed his fee itemization, as required by the May 15 Order, ¶ 5.a. (Docket # 72, the “Trustee’s Itemization”). Under the May 15 Order, ¶ 5.b, the Debtor then had until June 5, 2024 to file any objections or response to the Trustee’s Itemization. The Debtor did not file any objection or response by the June 5, 2024 deadline, and to date has not filed any such objection or response.

The Court has reviewed the Trustee’s Itemization, and the Court finds and concludes as follows:

1. The Debtor does not object to the Trustee’s Itemization, or the amount of fees requested by the Trustee under the May 15 Order.
2. The fee amount reflected in and supported by the Itemization, in the amount of \$2,916.00, is the amount of the reasonable attorney fees incurred by the Chapter 7 Trustee in filing and prosecuting the Motion. This amount is based on the specific time entries, and the resulting total amount of fees, reflected in the Itemization. For all of the time entries, the Court finds the work

performed, the number of hours, and the hourly rates reflected in the Itemization all to be reasonable.

3. The Trustee's Itemization includes a total of \$52.58 in expenses, in addition to the itemized attorney fees. The Court will not include any of this amount of expenses in what the Debtor must pay, however, because the May 15 Order did not order or allow for any expense reimbursement.

Accordingly,

IT IS ORDERED that:

1. The Debtor must pay to the Trustee the sum of \$2,916.00. The Debtor must pay such amount no later than June 21, 2024.
2. Judgment is entered in favor of the Chapter 7 Trustee, Timothy J. Miller, and against the Debtor, Nicole A. Massey, in the amount stated in paragraph 1 above, namely, \$2,916.00. If and to the extent the Debtor does not pay this amount to the Trustee on or before June 21, 2024, the judgment will bear post-judgment interest at the federal statutory rate, applicable under 28 U.S.C. § 1961, from the date of entry of this Order forward, and the Trustee may seek to collect the unpaid amount by any means permitted by law to collect federal court money judgments.

Signed on June 7, 2024



/s/ **Thomas J. Tucker**

Thomas J. Tucker
United States Bankruptcy Judge